

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JONAS BARRETT COTHRON,
#920440,

Plaintiff,

V.

DIRECTOR, TDCJ-CID,

Defendant.

Case No. 6:19-cv-197-JDK-JDL

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

This action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On August 25, 2020, the Magistrate Judge issued a Report and Recommendation recommending that Petitioner's federal habeas petition be dismissed with prejudice because the petition is time-barred by the statute of limitations under the Antiterrorism and Effective Death Penalty Act of 1996. Docket No. 20. The Magistrate Judge further recommended that a certificate of appealability be denied *sua sponte*.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to

file objections from ten to fourteen days). Here, Petitioner did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 20) as the findings of this Court. It is **ORDERED** that Petitioner's petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE** as barred by the statute of limitations. It is **FURTHER ORDERED** that a certificate of appealability is **DENIED** *sua sponte*.

So **ORDERED** and **SIGNED** this 14th day of **October, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE